

Minutes
POST Conference Call
06/28/10 10:00 – 11:45 hrs

I. Call meeting to Order, roll call, identify guests

Council Members Present: Winnie Ore – Chair, Tony Harbaugh, Ray Murray, Dennis McCave, Bob McCarthy, Greg Watson, James Marble, Levi Talkington, Georgette Hogan, Steve Barry,

Staff Members Present: Wayne Ternes – Executive Director, Tana Meuer, Clay Coker, Deborah Butler,

Council Members Absent: Frances Weeks, Mike Anderson

Guests: Kevin Olson-MLEA, Larry Nielsen-MEA/MFT

II. Approval of minutes from April 15, 2010 meeting

Levi stated on pg. 17, under Professionalism & Integrity Committee, a change from Jerry Williams to Glen Stinar was necessary.

Tony Harbaugh motioned to approve the April minutes with the recommended corrections.

Steve Barry seconded the motion

Motion carried

III. Old Business

1. Update on HR 218

a. MOU with MPPA, DOJ and POST

Deborah commented that Stewart and she made some changes to the MOU so another MOU will be sent out once it has been finalized.

Deborah also stated that since this was a ‘state’ program, they wanted DOJ to have overall responsibilities at the end result of this; so there would be some agreement to provide quarterly reports to POST and MPPA.

Attached to this memorandum will be the retired law enforcement officers firearms proficiency verification program. This will allow officers to not only go to MPPA to get a time, range, and firearms instructor to do the shoot, but also provides the officer to go to their retired law enforcement agency to do the shoot as well. The agency then gives them a ‘retired ID’ indicating they met the fired proficiency shoot. MPPA would have the standardized ID card.

Deborah also explained that she spoke with Jerry Williams and Truman Tolson briefly about the liability issues toward MPPA and the firearms instructors. Both indicated they were working on this and had spoken with their attorney about liability insurance for the instructors.

Deborah also commented on the firearms standard with POST had done through resolution and the council was going to work on Administrative Rule to get that solidified in the rule making process hopefully by November. Also mentioned was the fact there is no effective date on the resolution so it would be held that it would be effective upon signing which was April 15th then implementation would be the end of 2011. This would allow agencies to meet the required shoot for 2010 and qualify, or wait and implement a shoot if one was not already in place, or to modify it to match the state standard.

Discussion held.

Wayne clarified that the date of our last meeting; April 15th, this resolution went into effect to allow the process working for HR-218. The other issue is the statewide standard and when the agencies have to be in compliance. Wayne felt we needed a motion whether we wanted this effective date 2011.

Dennis McCave motioned to have Montana agencies be in compliance with the new state firearms requirement by December 31, 2011.

Tony Harbaugh seconded

Motion carried

- b. Deborah stated there need to be a signatory on this MOU with MPPA, DOJ and POST and decide who was going to be signing.

Steve suggested Wayne sign this being he is a state employee.

Tony Harbaugh motioned to nominate Wayne to sign the MOU

Greg Watson seconded

Motion carried

2. Firearms Resolution 10-003 clarification and implementation date for MT Agencies.

IV. Guest Issues

No guest issues

Kevin Olson commented that the POST Council was very adequately represented by many people.

IV. New Business

1. POST Awards to Public Safety Officers

Wayne commented that its time to put recognition and awards in place for officers and agencies in the field. Awards such as: total compliance on the first check, continues compliance, outstanding officer – ethics, valor etc.

Winnie suggesting a committee should be formed to identify types of awards and criteria.

Dennis felt we should have some policy and procedures in place before moving forward with this.

Winnie asked Dennis how the Policy and Procedure Committee was coming along.

Dennis commented it wasn't.

Levi stated there are many awards in the field that different associations give and asked if the awards presented by POST would be through the academy or in the field.

Wayne clarified these would be presented to the field.

Levi suggested an award for career service.

Winnie reminded everyone there is more than peace officers in the field to be recognize.

Winnie asked the committees to ponder who should take this project on. Winnie thought possibly the Ethics Committee would look at this.

2. Compliance Officer Training Assignment

Wayne stated that on Clay's letter of hire, it stated he was to complete CJIN Training, however since POST is not recognized as a criminal justice agency, CJIN told us 'no'. In the meantime, we have a requirement that cannot be met, so Wayne needs a motion from the council that says it's ok to move forward with Clay continuing to work even though the training assignment couldn't be met.

Greg made a motion to wave this until clay can meet the necessary training after research has been done to get him certified.
Levi Talkington seconded the motion

Levi asked what CJIN information Clay needed access to.

Wayne explained it's not just for criminal investigation, but also any material on the CJIN terminal for background searches; equivalency, ethics violations, criminal investigation.

Bob asked if we would need to go to the legislature, ask Steve Bullock for an Attorney General's opinion?

Wayne commented on a couple ways to solve this; legislation to add to 2-15-2029 that sets up the council to add language that says we are a criminal justice agency for the "purposes of"... Or, the governor's office by executive order can declare the council a criminal justice agency for the same purposes.

Greg Watson clarified that his motion was to make sure Clay was able to continue his compliance checks without meeting his training requirement.

Motion carried

3. Director's Report

Wayne stated the next face to face meeting will be held in the new building on the MLEA campus and expressed concerns that we may not have time for the committees to meet a full day prior the August meeting.

Winnie stated this is important because committees really need to move forward and overlapping of membership and being short members. Winnie asked the committees if they would like to come if for the whole day of the 18th or stick with half a day.

Dennis commented his preference would be to start in the afternoon and go into the evening if necessary since he travels.

Winnie stated the committees will start at 12noon on the 18th.

Wayne asked Steve Barry if there had been any movement with DOC on the correction officer definitions

Steve stated nothing at this time. He spoke with the Warden about this but still have to meet to discuss further points.

Wayne stated the drafts from DACUMs for both the Reserves and Coroners have been returned from Mr. O'Connell. Now just waiting to see how the budget looks, and getting meetings scheduled. Wayne commented that after July 1 we can start bringing people back together to continue this process.

Wayne stated the process with the MOA (Memorandum of Agreement) with DOJ (Department of Justice) continues. The last draft he received from DOJ is different than what was expected so he would like to meet with them in regards to this.

Wayne has not heard back from the Governor's officer regarding the replacement of Bonnie Wallem's position.

Wayne commented on investigative files; now that the field knows Clay is traveling around the state, complaints have peaked. Right now, 23 have come forward, Clay has completed and turned in 15 for review for further action. Some cases will be closed and some to meet with Deborah about.

a. Compliance Report

Clay commented he has visited 46 counties, 96 Agencies, and 10,000 miles. He also stated he noticed the lower part of the state has better results with compliance because of the proximity of bigger agencies.

Clay also stated the biggest non compliant issues are mental evaluations which are required upon hire. And the Employment Status forms are not completely compliant yet with our database.

Wayne stated we had given our report to the legislative finance committee and only one senator; Senator Bales was present at our committee hearing. Bales was happy to hear about the field and anxious to see our report.

4. Approval/Denial of Pending Certification List

James commented that Perry Johnson was promoted in July '09 and should not be on the current pending list for his Administrative certificate.

Wayne stated we will hold Johnson until Aug. meeting

Deborah pointed out that under the Basic Certificates; Dave Bets His Medicine was entered 2 times.

Also, under the intermediate reports, Darrick Wakefield was entered 2 times.

James Marble moved to approve the pending list with the exception of Perry Johnson being moved to the next council meeting and the noted changes. Dennis McCave seconded Motion carried.

5. Approval/Denial of Extension Requests

No extension requests

6. Approval/Denial of Equivalency Requests

Dennis McCave moved to approve the equivalency

Tony Harbaugh seconded

Motion carried

7. Council Member Reports

James Marble ~ Reserves Officer Committee

During the MACOP meeting, he spoke with the members and it was decided they do not want James to continue on the POST council as of his anniversary date which is January 1, 2011. James asked to be removed from the chair position before any new committee assignments. He would like to see the Reserve curriculum through.

Winnie commented that even though a person isn't on the POST council, they can remain on a committee.

Dennis McCave ~ Curriculum Review Committee

Dennis stated his committee had been waiting to hear back on the Reserve DACUM. Another focus is the jail standards at MSPOA. They had a web net meeting with a group from Utah, looking at implementing a web based jail inspection (review process). Very encourage about this.

Dennis also commented that the Law and Justice committee meeting is being held tomorrow and one issue in discussion is the Jail Peer Review status report and where they're at with the Montana Jail Standards and the Peer Reviews. An attorney for the state, David Niss has taken upon himself as a request of the legislature to report back to them the status of their process. Dennis will meet with him to respond to his 11 page report.

Tony Harbaugh ~ Coroner Committee

Tony stated that now the DACUM is completed they will be able to move forward.

Levi Talkington ~ Professional & Integrity Standards Committee

Levi stated they had the Train the Trainer course held in May and it went very well.

Levi also spoke with Wayne about the Integrity Committee being more involved in the investigative cases.

Wayne stated that according to our administrative rules, cases remain with the Director before moving to a hearings officer. But under a quasi-judicial board and MAPA rules he believes that a committee of board or council should conduct a review prior to moving to the hearings officer. Wayne will look into this further.

Discussion held.

Steve stated he feels this topic needs to be discussed during our face to face meeting in August.

Winnie stated this will be placed on the agenda for August.

Bob felt we should be receiving a formal notification when public incidents occur.

Steve Barry ~ Business Planning Committee

Steve had discussion with Wayne about some of the operational aspects of POST with Clay being on board so he now has a better understanding of how to proceed with writing that section of the business plan so he expects to have something for the August meeting.

Steve also mentioned the department is struggling in terms of the definition of those positions that fall under 'Public Safety Officer' definition within statute.

Steve and the warden have been discussing it and there are some ramifications that come from this. At some point this may be a topic with the POST Council but more than likely it'll be a discussion with Clay when he begins their compliance audit.

Central office will be moving their facility to the old state fund building in Aug.

Bob McCarthy ~ no report

Ray Murray ~ no report

Greg Watson ~ no report

V. Public Comment

No comments

VI. Adjourn

Dennis McCave motioned to adjourn

Tony Harbaugh seconded

Motion carried